

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

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ZIPWALL, LLC

Plaintiff,

v.

C&S MANUFACTURING, INC.

Defendant.

Civil Action No.: 04-CV-10079

District Judge: Robert E. Keeton

U.S. DISTRICT COURT
DISTRICT OF MASS.

DEFENDANT'S (PROPOSED) DISCOVERY PLAN

Grossman & Flight, LLC (hereinafter "G&F"), and its local counsel, Robbins, Kaplan, Miller & Ciresi, LLP (hereinafter "RKM&C"), currently have a Motion to Withdraw pending before this Court that they filed on May 5, 2004. On May 26, 2004, Plaintiffs filed a Proposed Discovery Plan in anticipation of the Court's June 9, 2004 Rule 16(b) scheduling conference. Prior to filing the Proposed Discovery Plan, counsel for Plaintiffs contacted the undersigned in an effort to confer on the proposed dates. In response, the undersigned stated that all of the Plaintiff's proposed dates were extremely premature. (Ex. A.)

Although currently awaiting the Court's decision on the pending Motion to Withdraw, Defendant's propose the following alternative pre-trial schedule:


Event	Defendant's Proposed Date
Initial <i>Markman</i> claim construction briefs	October 15, 2004
<i>Markman</i> claim construction response briefs	October 29, 2004
Amending pleadings to add parties	December 17, 2004
Expert reports served on issues on which a party bears the burden of proof	January 14, 2005
Rebuttal expert reports	February 11, 2005
Close of all discovery	March 11, 2005
Deadline for filing dispositive motions	April 8, 2005
Final pretrial conference	June 10, 2005

Defendants object to an expedited trial schedule as proposed by the Plaintiffs.

Respectfully submitted,

Dated: June 1, 2004

Signed:

A handwritten signature in black ink, appearing to read "Eric P. Martin", is written over a horizontal line.

Lee F. Grossman (Lead Counsel)

Eric P. Martin

Jeffrey M. Drake

GROSSMAN & FLIGHT, LLC

20 North Wacker Drive, Suite 4220

Chicago, IL 60606

Telephone: (312) 580-1020

Facsimile (312) 580-9696

Tina M. Traficanti (Local Counsel)

Alan E. McKenna

ROBINS, KAPLIN, MILLER & CIRESI, LLP

111 Huntington Avenue, Suite 1300

Boston, MA 02199


Telephone: (617) 267-2300

Facsimile: (617) 267-8288

CERTIFICATE OF SERVICE

I hereby certify that a copy of DEFENDANT'S (PROPOSED) DISCOVERY PLAN has been served via facsimile and U.S. First Class Mail, postage pre-paid, on June 1, 2004, to:

Matthew B. Lowrie
LOWRIE, LANDO & ANASTASI, LLP
Riverfront Office Park
One Main Street
Cambridge, MA 02142
Facsimile: (617) 395-7070



Attorney for Defendant.